

AO 440 (Rev. 8/01) Summons in a Civil Action

UNITED STATES DISTRICT COURT

Southern

District of

New York

FELIX DELGADO, CARLOS DOMINGUEZ, LUIS
MAURISECA, KAE HEUNG PARK, et.al.

SUMMONS IN A CIVIL ACTION

V.

KIKO CONSTRUCTION, INC., REX KIM,
KWANG YONG BYUN

CASE NUMBER:

08 CV 1984

JUDGE BATT

TO: (Name and address of Defendant)

Kiko Construction, Inc. 41 Gleane Street, Apt. E-11 Elmhurst, NY 11373	Rex Kim 14431 41st Ave. Apt. 4 A Flushing, NY 11355	Kwang Yong Byun 14330 38th Ave. Apt. 5 N Flushing, NY 11354
---	--	--

YOU ARE HEREBY SUMMONED and required to serve on PLAINTIFF'S ATTORNEY (name and address)

Arlene L. Chow (AC 4533)
 Dillon Kim (DK 4121)
 Hogan & Hartson LLP
 875 Third Avenue
 New York, New York 10022
 (212) 918-3000

Tushar J. Sheth (TS 5672)
 Asian American Legal Defense and
 Education Fund
 99 Hudson Street, 12th Floor
 New York, New York 10013
 (212) 966-5932

Steven Choi (SC 1906)
 YKASEC - Empowering
 the Korean American
 Community
 136-19 41st Avenue,
 3rd Floor
 Flushing, New York 11355
 (718) 460-5600

an answer to the complaint which is served on you with this summons, within 20 days after service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

J. MICHAEL McMAHON

FEB 28 2008

CLERK

Marcos Quintero

DATE

(By) DEPUTY CLERK

AO 440 (Rev. 8/01) Summons in a Civil Action

RETURN OF SERVICE		
Service of the Summons and complaint was made by me ⁽¹⁾	DATE	
NAME OF SERVER (PRINT)	TITLE	
<i>Check one box below to indicate appropriate method of service</i>		
<input type="checkbox"/> Served personally upon the defendant. Place where served:		
<input type="checkbox"/> Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein.		
Name of person with whom the summons and complaint were left:		
<input type="checkbox"/> Returned unexecuted:		
<input type="checkbox"/> Other (specify):		
STATEMENT OF SERVICE FEES		
TRAVEL	SERVICES	TOTAL \$0.00
DECLARATION OF SERVER		
<p>I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.</p> <p>Executed on _____</p> <p style="text-align: center;"><i>Date</i> <i>Signature of Server</i></p> <p style="text-align: center;">_____ <i>Address of Server</i></p>		

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.

EPS Judicial Process Service, Inc.
29-27 41st Avenue, Suite 812
Long Island City, NY 11101
Telephone: 718-472-2900
Facsimile: 718-472-2909

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
FELIX DELGADO, CARLOS DOMINGUEZ, LUIS
MAURISECA, KAE HEUNG PARK, et al.,

Index Number: 08 CV 1984

AFFIDAVIT OF SERVICE

Plaintiff (s),

-against-

KIKO CONSTRUCTION, INC., REX KIM, KWANG
YONG BYUN,

Defendant (s).

-----X
STATE OF NEW YORK

)

:S.S:

COUNTY OF QUEENS

)

JONATHAN ALEJANDRO, being duly sworn, deposes and says:

I am not a party to this action, am over the age of eighteen years, and
reside in the State of New York.

On the 29th day of February, 2008, at approximately 8:04 p.m. at 144-31 41st
Avenue, Apartment 4-A, Flushing, New York, I served true copies of the SUMMONS IN
A CIVIL CASE, COMPLAINT, INDIVIDUAL PRACTICES OF JUDGE DEBORAH
A. BATTES and INDIVIDUAL PRACTICES OF MAGISTRATE JUDGE MARK D.
FOX, in the above-entitled action, upon REX KIM, defendant herein named, by
personally delivering to and leaving thereat, true copies of the above mentioned
documents with Jack Song. At time of service, Mr. Song identified himself as a tenant of
the aforementioned address and is a person suitable age and discretion at the
aforementioned address. Also at time of service Mr. Song was given authorization by
someone inside the apartment to accept service of process for Rex Kim.

Mr. Song is an Asian-American male, approximately 25-30 years of age, 5'8" tall, 165 lbs, with dark and light hair and dark eyes.

On the 29th day of February, 2008, I completed the service of the SUMMONS IN A CIVIL CASE, COMPLAINT, INDIVIDUAL PRACTICES OF JUDGE DEBORAH A. BATTES and INDIVIDUAL PRACTICES OF MAGISTRATE JUDGE MARK D. FOX upon REX KIM, defendant herein named, pursuant to CPLR 308, via First Class Mail. Such service was made by personally enclosing true and correct copies of the aforementioned documents in a properly addressed, postage paid, securely fastened wrapper bearing the legend "personal and confidential", and not indicating by return address or otherwise that such communication was from an attorney or concerned an action pending against him, and then depositing it into an official depository under the exclusive care and custody of the United States Postal Service within the State of New York to:

Rex Kim
144-31 41st Avenue
Apartment 4-A
Flushing, New York 11355

Sworn to before me this
3rd day of March, 2008

NOTARY PUBLIC

CLENDY J. CALDERON
Notary Public, State of New York
No. 01CA6115564
Qualified in Queens County
Commission Expires September 7, 2008

Jonathan Alejandro
JONATHAN ALEJANDRO
Organization License No. 1155020

EPS Judicial Process Service, Inc.
29-27 41st Avenue, Suite 812
Long Island City, NY 11101
Telephone: 718-472-2900
Facsimile: 718-472-2909

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
FELIX DELGADO, CARLOS DOMINGUEZ, LUIS
MAURISECA, KAE HEUNG PARK, et al.,

Index Number: 08 CV 1984
AFFIDAVIT OF SERVICE

Plaintiff (s),

-against-

KIKO CONSTRUCTION, INC., REX KIM, KWANG
YONG BYUN,

Defendant (s).

-----X
STATE OF NEW YORK)
:S.S:
COUNTY OF QUEENS)

JEFFERSON TIRADO, being duly sworn, deposes and says:

I am not a party to this action, am over the age of eighteen years, and
reside in the State of New York.

On the 29th day of February, 2008, at approximately 2:55 p.m. at 41-96 Gleane
Street, Apartment E-11, Elmhurst, New York, I served true copies of the SUMMONS IN
A CIVIL CASE, COMPLAINT, INDIVIDUAL PRACTICES OF JUDGE DEBORAH
A. BATTIS and INDIVIDUAL PRACTICES OF MAGISTRATE JUDGE MARK D.
FOX, in the above-entitled action, upon REX KIM of Kiko Construction, Inc., defendant
herein named, by personally delivering to and leaving thereat, true copies of the above
mentioned documents with an employee of Kiko Construction, Inc. At time of service,
the employee refused to identify himself by name; however is a person suitable age and
discretion at the aforementioned address.

The employee can best be described as a Hispanic male, approximately 25-30 years of age, 5'9" tall, 185 lbs, with dark hair and dark eyes.

On the 29th day of February, 2008, I completed the service of the SUMMONS IN A CIVIL CASE, COMPLAINT, INDIVIDUAL PRACTICES OF JUDGE DEBORAH A. BATTES and INDIVIDUAL PRACTICES OF MAGISTRATE JUDGE MARK D. FOX upon REX KIM of Kiko Construction Inc., defendant herein named, pursuant to CPLR 308, via First Class Mail. Such service was made by personally enclosing true and correct copies of the aforementioned documents in a properly addressed, postage paid, securely fastened wrapper bearing the legend "personal and confidential", and not indicating by return address or otherwise that such communication was from an attorney or concerned an action pending against him, and then depositing it into an official depository under the exclusive care and custody of the United States Postal Service within the State of New York to:

Rex Kim
Kiko Construction Inc.
41-96 Gleane Street
Apartment E-11
Elmhurst, New York 11373

Sworn to before me this
29th day of February, 2008

NOTARY PUBLIC

CLENDY J. CALDERON
Notary Public, State of New York
No. 01CA6115564
Qualified in Queens County
Commission Expires September 7, 2008


JEFFERSON TIRADO
Organization License No. 1155020